

## Message Text

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21

ORIGIN NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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R 300021Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

C O N F I D E N T I A L STATE 256946

E.O. 11652: GDS

TAGS: PINT, IN

SUBJECT: MRS. GANDHI'S COURT CASES

REF: NEW DELHI 14024, 13621

1. SOMEWHAT CONFUSED ABOUT CURRENT STATUS OF SUPREME COURT CONSIDERATION OF MRS. GANDHI'S COURT CASES AND WOULD APPRECIATE CLARIFICATION OF WHERE THINGS CURRENTLY STAND. FROM EARLIER EMBASSY AND PRESS REPORTING, WE HAD THE IMPRESSION COURT WOULD BE RULING ABOUT THIS TIME ON THE THREE RELEVANT CASES RELATING TO PRIME MINISTER.

2. RE PARA 3 OF YOUR 14024, ADAM CLYMER OF THE BALTIMORE SUN DOES NOT BELIEVE THAT MOVE BY SUPREME COURT TO RE-CONSIDER 1973 DECISION IS NECESSARILY INCONSISTENT WITH THE THRUST OF HIS OCTOBER 20 STORY, BASIS OF WHICH WAS 'SOLID' BUT UNNAMED SOURCE. CLYMER, WHO HAS BECOME IMMERSSED IN THE INTRICACIES OF THE CASE SINCE HIS RECENT TRIP TO INDIA, SPECULATES THAT THE SUPREME COURT MAY BE SEEKING AN INDIRECT WAY OF RESOLVING THE CASE RELATING TO THE 39TH CONSTITUTIONAL AMENDMENT BY MOVING TO REVERSE THE 1973 DECISION, THEREBY RENDERING THE CASE AGAINST THE 39TH  
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AMENDMENT AND PROBABLY ALSO THE POST-EMERGENCY AMENDMENT TO

THE ELECTORAL LAW MOOT. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SUPREME COURT, CONSTITUTIONAL LAW, TRIALS  
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**Draft Date:** 30 OCT 1975  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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